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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH A. POGGIOLI,	:	
	:	07 Civ. 6674 (CLB)
Plaintiff,	:	
	:	DECLARATION
-against-	:	OF LALIT K. LOOMBA
	:	
PATRICK J. CARROLL, and the CITY OF NEW	:	
ROCHELLE, New York,	:	
	:	
Defendants.	:	
-----	x	

LALIT K. LOOMBA, an attorney admitted to practice law before the Courts of the State of New York, and the United States District Court for the Southern District of New York, hereby declares, pursuant to 28 U.S.C. §1746, as follows:

1. I am an associate at the law firm Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for defendants Patrick J. Carroll and the City of New Rochelle (collectively, the "Defendants"). I submit this declaration in support of the Defendants' motion for summary judgment. I have knowledge of the facts set forth below based upon my review of the file in this case and upon my representation of Defendants herein.
2. Annexed hereto as Exhibit A is a copy of the complaint in the above-referenced action.
3. Annexed hereto as Exhibit B is a copy of the complaint in the action

entitled: *Joseph A. Poggioli, Jr. v. Patrick J. Carroll, individually and as Police Commissioner of the City of New Rochelle, Dominic Capio, individually and as a Lieutenant in the Police Department of the City of New Rochelle, Anthony Murphy, individually and as a Captain in the Police Department of the City of New Rochelle, Joseph F. Schaller, individually and in his capacity as a Captain in the Police Department of the City of New Rochelle, Police Officer John Doe and/or Mary Roe individually, the City of New Rochelle, New York and Joseph Mattone, individually*, 94 CIV 8313 (BDP)(MDF) (the "1994 Action").

4. Annexed hereto as Exhibit C is a copy of Poggioli's "Counterstatement Pursuant to Rule 56.1," dated April 2, 2007, which was submitted in the action entitled: *Joseph A. Poggioli v. Anthony Murphy, individually, Kevin Kealy, individually, Patrick J. Carroll, individually, Myron Joseph, individually, and the City of New Rochelle, New York*, 06 Civ. 12893 (CLB) (the "2006 Action").

5. Annexed hereto as Exhibit D is a copy of the complaint in the 2006 Action.

6. Annexed hereto as Exhibit E is a copy of the Disciplinary Charges that are the subject of the 2006 Action and the instant action.

7. Annexed hereto as Exhibit F is a copy of a recently printed Docket Sheet in the 2006 Action.

8. Annexed hereto as Exhibit G is a copy of the Memorandum and Order dated July 26, 2007, issued in the 2006 Action.

9. Annexed hereto as Exhibit H are copies of relevant pages from the deposition provided by Joseph A. Poggioli ("Poggioli") in the instant action on October 30, 2007.

10. Annexed hereto as Exhibit I is a copy of the transcript of testimony provided by Poggioli on March 9, 2006 in the disciplinary hearing on the Disciplinary Charges underlying the 2006 Action and the instant action.

11. Annexed hereto as Exhibit J is a copy of the report and recommendation issued by hearing officer Robert J. Ponzini on April 24, 2007.

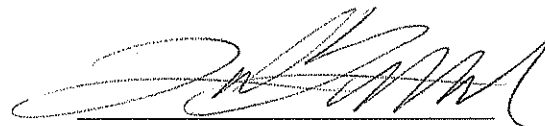
12. Annexed hereto as Exhibit K is a copy of the penalty recommendation issued by hearing officer Robert J. Ponzini on June 25, 2007.

13. Annexed hereto as Exhibit L is a copy of the Defendants' answer in the instant action.

14. Annexed hereto as Exhibit M is a copy of the Court's scheduling order, issued in the instant action on October 5, 2007.

15. Annexed hereto as Exhibit N is a copy of the petition and notice of petition in the Article 78 proceeding entitled *In re Application of Joseph Poggioli v. Patrick J. Carroll, as Commissioner of Police for the City of New Rochelle, New York and the City of New Rochelle, New York*, Index #07/23578.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 12, 2007.


Lalit K. Loomba